

EMERGENCY PAID LEAVE

While New Jersey has some of the strongest paid sick and family leave laws in the country, the Families First Coronavirus Response Act (“Families First”) created a federal law for small businesses with up to 500 employees to provide two new types of paid leave to their employees who are directly affected by the COVID-19 outbreak.

- The first type, emergency paid sick leave, allows people to take time off if they are sick, if they are caring for a sick person, if they cannot work because of a government order to isolate, or if they need to take care of a child whose school or childcare is closed.
- The second type, emergency family and medical leave, provides another option for people who need to care for a child whose school or childcare provider has closed due to the outbreak.

These types of leave will ensure that workers are able to stay home from work when sick and take care of their family members without economic hardship. The paid leave requirements go into effect on April 1, 2020, and last until December 31, 2020. More information on both types of leave is below.

EMERGENCY PAID SICK LEAVE

Eligibility

- Employees who work at companies with fewer than 500 employees are eligible for paid family and medical leave.
- If you are employed by a company with more than 500 employees, or an independent contractor, you are not eligible for emergency paid leave under Families First.

Use of Sick Leave

You may use sick leave for the following reasons:

1. You are subject to a federal, state, or local quarantine, or isolation order related to COVID-19 and are unable to work as a result.
2. You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19 and are unable to work as a result.
3. You are experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. You are caring for someone who is subject to an order as described in (1) or who has been advised as described in (2).
5. You are caring for a son or daughter because the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable, due to COVID-19 precautions.
6. You are experiencing any other substantially similar condition specified by the Secretary of HHS.

Amount of Pay

- Full-time employees will receive their full regular rate of pay, capped at a total of \$511 per day, for leave taken pursuant to reasons (1), (2), and (3) above.
- Full-time employees will receive two-thirds of their full regular rate of pay, capped at a total of \$200 per day, for leave taken pursuant to reasons (4), (5), and (6) above.
- For part-time employees or those with irregular hours, leave pay will be calculated based on the number of hours the employee works on average over a 2-week period in the past year.

Duration of Sick Leave Pay

- If eligible for paid sick leave, full-time employees will be granted 80 hours (10 days) of paid sick leave.
- Part-time employees will be granted a prorated amount based on their average number of hours.

Labor Rights

Please be aware that this paid sick leave does not diminish your existing rights to paid leave under a collective bargaining agreement or existing employer policy.

EMERGENCY PAID FAMILY AND MEDICAL LEAVE

Use of Leave

Employees may use family and medical leave to care for a child under 18 years of age whose school or childcare provider has been closed due to reasons related to COVID-19.

Eligibility

- Employees who work at companies with fewer than 500 employees are eligible for paid sick leave if they have been employed for at least 30 calendar days.
- If you work at a company with fewer than 50 employees, please ask your employer if they have received an exemption from the paid family and medical leave requirements.
- If you are employed by a company with more than 500 employees, or an independent contractor, you are not eligible for emergency paid leave under Families First.

Amount of Pay

- The first 10 days of this leave is unpaid, although you may use paid time off or sick time to cover some, or all, of the initial unpaid period.
- After the initial 10 days, full-time employees will receive two-thirds of their regular rate of pay, capped at a total of \$200 a day.

Duration of Paid Leave

- If eligible for paid family and medical leave, full-time employees may take such leave for up to 12 weeks total.

- Part-time employees or those with irregular schedules will be paid at two-thirds of their regular rate for The average number of hours worked over the prior 6 months of employment.

More Information

For more information, please visit www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave, or call the Department of Labor's Wage and Hour Division at 1-866-4US-WAGE.

The "Emergency Paid Sick Leave Act" and the "Emergency Family and Medical Leave Act" are established by Division E and Division C of the Families First Coronavirus Response Act, respectively.